

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA

V.

JUSTIN GLYNN FRENCH,

Defendant.

Criminal No. 3:11CR017

**GOVERNMENT’S MOTION TO PARTIALLY VACATE PRELIMINARY
ORDERS OF FORFEITURE AND BRIEF IN SUPPORT THEREOF**

COMES NOW THE UNITED STATES OF AMERICA, and herewith moves the Court
to vacate:

(1) the First Consent Order of Forfeiture entered on March 4, 2011 with respect to the following assets:

- Real property and improvements known as 330 Oak Lane, Richmond, VA 23226;

Attachment A

- Elegant Trogon, 2007 - flasche on birch plywood, 11 3/8 x 8 x 4, signed by the artist on verso, by Richard Roth

Attachment B

Maker	Description
-Fendi	Simplicio 3 white leather sofa
-Fendi	(2) Black lacquered chairs
-Fendi	(2) white leather armchair
-Fendi	Servus w/ Tray in black, chromed metal legs
-Fendi	Black FF New Zealand wood, hand tufted rug
-Anthony Bronza	Bench, 2006 -American walnut, 17x40x17 1/2"

Attachment C

- A painting by Artist Gerald Donato, Untitled (Mask), 1987 - acrylic and oil on canvas, 76 ½ x 66 ½", signed
- Freestanding stainless steel bar and appliances
- Custom conference table made of Cypress wood
- Furniture and
- Assorted artwork.

(2) the Third Consent Order of Forfeiture entered on May 3, 2011 with respect to the following assets:

- Promissory note in the amount of \$90,000.00 from Mark Gans to Justin French referencing 18-20 South Allen Street;
- One hundred percent of the membership interest of Justin G. French, sole member of Griffin French Alley, LLC, a Virginia limited liability company.

In support of this motion, the Government states the following:

1. On March 4, March 14 and May 3, Consent Orders of Forfeiture were entered with respect to various assets of the defendant, including the aforementioned assets.¹

2. The United States Marshals Service could not locate some of the assets listed above.

As to the real property known as 330 Oak Lane, the deteriorated state of the dwelling along with several mortgage liens make it highly unlikely that the government would be able to sell the property for an amount sufficient to (1) cover expenses of the Marshals Service with respect to the property, and (2) pay off the encumbrances secured by the property and unpaid real estate taxes. As to the assets listed in Attachments B and C to the March 4, 2011 order, the

¹ Though filed as "consent orders," these orders were preliminary orders of forfeiture which had the effect of forfeiting the defendant's interest in the property and allowing the Government to initiate the ancillary process whereby third parties may file claims to the property. See Rule 32.2(b)(2)(A) (court must enter preliminary order without regard to any third party's interest; third party claims "must be deferred until . . . ancillary proceeding . . .").

Government has determined that the cost of seizing and storing these items would likely diminish the net proceeds to the point where forfeiture is not economically feasible given the constraints which apply.

WHEREFORE, the United States prays the Court will enter an order vacating the forfeiture of the above-identified assets from the Consent Orders of Forfeiture entered on March 4, 2011 and May 3, 2011, respectively.

Respectfully submitted,

NEIL H. MACBRIDE
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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2011, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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